Note: The following affidavit was prepared at the request of the Ohio Public Defender's Office to strenghthen its appeal for mitigation in a case in which its client had been sentenced to capital punishment.

Cultural and Associated Factors Contributing to the Actions of Herman Dale Ashworth during the Night of September 10-11, 1996

The thesis advanced is that the violent acts of Dale Ashworth can in large part be ascribed to his education, an education markedly different from that of most Americans of his age and gender. "Education" in this context, and particularly in the life of Dale Ashworth, refers primarily to the communications he has received from those around him during his lifetime through example, suggestion, reward, and punishment.

In previous professional work, I argued that human behavior is determined by the interaction of four sets of factors: biological, biosocial, cultural, and situational. "Biology" refers to the inherited nature of human beings and the specific biological inheritance of individuals (largely, but not entirely due to genetic inheritance). "Culture" in this context refers to the general learning tradition in which a group or individual is embedded and the specific learning experiences that the group or individual has had.

"Biosocial" refers to determinants that are found to influence human beings everywhere regardless of culture and biology. Such factors, often called structural", include determinants as various as relative poverty, family disorganization, and the ways in which people will inevitably organize their relationships given certain conditions. "Situation" refers to the nature of the particular situation in which an individual or group finds itself. It can refer to the immediate situation, such as sitting in a particular bar at a particular time with a particular individual after having so many drinks, or to a more general situation, such as the development of an individual in the context of growing up with particular other individuals as parents or siblings. The complexity of situational or unique factors in any life will always make the prediction of human behavior imprecise.

The beating and attributed death for which Dale Ashworth has been convicted, as well as, more generally, Dale Ashworth's personality are the combined product of the intertwining of these classes of factors. But we concentrate here on cultural and related factors.

The United States has long had one of the highest homicide rates in the industrialized world. This has been taken to mean that American culture is a particularly violent culture. However, a closer analysis shows that historically the unusually high American murder rate results almost entirely from the contribution of two subgroups in the population: blacks and Southern whites. Both of these groups were largely confined to the South before recent migrations. It has been argued in *All God's Children* that the African-American population has learned to express itself violently because in this as in so many other ways, good and bad, it has borrowed from Southern white culture. Historical studies show that the Southern white "subculture of violence" has had a long and pervasive influence on the country.

The existence of this subculture is documented in many sources. As early as the time of the Revolutionary War, soldiers from the North were shocked at

the violence and maiming that characterized fights between individuals in Southern units. In 1880, H. V. Redfield published *Homicide, North and South: Being a Comparative View of Crime against the person in several parts of the United States*. By using the best data available at the time, he found that the homicide rate dropped rapidly as one moved from the Canadian border down to the Caribbean. He found that South Carolina's rates were as many times greater than New England's as those of Texas were greater than Minnesota's. Often, Southern rates were ten times those of the North. Central Midwestern states such as Ohio had rates somewhere in between, because of the mixture of elements of Southern and Northern culture in these states. (Blacks did not at this time have high homicide rates. This was partly accounted for by the denial of weapons to blacks in the South; poor reporting of homicide within black communities at that time also played a part.)

Major statistical differences between North and South have been confirmed many times since 1880. In a study of homicide rates in the 1920s, Brearley found that the seven states with the highest rates were Southern. In 1960, the white homicide rate per 100,000 varied from 0.0% in Vermont and 1.3% in Minnesota to 4.9% in South Carolina and 4.3% in Texas. An attempt to correlate homicide rates overall with an "Index of Southernness" (reflecting the percentage of the population of a state with a southern background) suggested that this cultural factor accounted for more of the difference between states than did biosocial factors such as percent urban, percent nonwhite, median income, or percent aged 20-34 (Gastil, *Cultural Regions*). Regional differences persist. According to recent figures, the murder rate per 100,000 persons (1994) in New England states was 3.4 compared to 17.0 in Louisiana. From this, we may estimate the white rates to have been 1.1 and 7.0 respectively.

In his commentary, Redfield found that drunken brawls more commonly led to homicide in the South, in part because of the attitudes of those involved. Murder was often the result of an attempt to redress insult to

personal honor or simply to show off. He felt that the most general cause was a lack of regard for human life. This lack of regard was reinforced by the light sentences that often followed homicide, and the difficulty of getting jurors to convict at all. For example, in Edgefield County, South Carolina, 64 homicide cases were reported between 1844 and 1858: thirty-three led to murder trials, eighteen of these resulted in acquittals, ten were convicted of manslaughter, only five for murder. "Juries, given the choice of deciding whether a homicide was felonious, justifiable or excusable were readily prepared to entertain arguments that a defendant had acted in self-defense or been provoked on a point of honor. As one lawyer said, 'We have a sort of honorable crime . . . Whenever the Southern dagger is drawn, there is something manly and chivalrous in the use of it.' " (Butterfield, 14). Lundsgaarde points out that Southerners tend to "publicly approve of the use of lethal violence to settle personal disputes and problems." J. S. Reed has refined the concept by pointing out that the Southerner is not simply violent, but violent in certain respects. The South is far ahead of the rest of the country in the murder of members of the family, of lovers, and in murders resulting from arguments and disputes, but the South is not ahead of the rest of the country in murders resulting from psychopathy or as the accompaniment of another crime. According to several recent studies, such as Roebuck and Hickson, young, Southern, working class men continue to firmly believe in the legitimacy of violence in settling disputes and issues of honor.

Many explanations have been given for the difference between South and North. A major effort to consider the different areas in the British Isles from which early Americans migrated, *Albion's Seed*, dwelt at length on the violent culture of the "Scotch-Irish" that came to play such a major role in settling the upland South, and later in the movement of Southerners into the "New South" of Mississippi, Louisiana, Arkansas, and Texas. Few in this migration were actually either Scotch or Irish. Their principal homeland was in the north of England close to the border of Scotland. After

suffering for centuries under the oppression of their masters, they had become a violent, anarchical people, used to living beyond the reach of the law. Ideally adapted to the frontier, it was natural that they should move south and west as the frontier expanded in the eighteenth and nineteenth centuries.

Adding and contributing to this heritage, the lowland or coastal South was characterized by extreme differences among classes and the keeping of large numbers of black slaves. Although it was relatively well educated, the coastal planter aristocracy felt little constrained by the law and placed such a high value on personal or family honor that slights often led to duels. Slavery and violence went hand in hand. Continual fear of uprisings and escapes led to doctrines that diminished the value of human life. Another contributing factor was that by contrast to the North, the South was settled lightly and intermittently. This frontier pattern of settlement and the attitudes associated with it persisted until at least the Civil War. It was this pattern that was transferred to the "Wild West" of legend after 1865.

However the culture of violence came to develop, and there were certainly multiple causes, once it became a part of Southern tradition, it would be expected to persist over many generations. Cultural traditions are by their nature self-reinforcing. Directly and indirectly transmitted from generation to generation, a culture establishes popular expectations or "self-fulfilling prophecies" that persistently authenticate its themes for those enculturated into it.

If we look for evidence of this violent subculture today, we will find it in the behaviors and attitudes of people of Southern background throughout the country. We can find indirect indicators of where people with this background might be concentrated. One of the best generally available indicators is the degree to which people belonging to the Southern Baptist denomination dominate religious affiliation in an area. (Of course, this useful marker need have little correlation with the theology or moral

teachings of Southern Baptists.) Since this denomination had its origins in the struggle over the issue of slavery, it is not a good indicator of the presence of the Southern subculture of violence in areas such as West Virginia that had few slaves and remained loyal to the Union.

Given this caveat, if we look at a 1970 map of religious affiliation (Johnson et.al), we find that counties with over fifty percent of their citizens belonging to this denomination form a nearly solid band from the upland South of the Southeast through Alabama, Mississippi, Tennessee, southern Missouri, Arkansas, northern Louisiana, Oklahoma, and eastern, northern and central Texas as far as New Mexico. Culturally, Louisiana is in most respects a Southern state. Yet unlike the rest of the South, the population of southern Louisiana includes a large number of people of nineteenth century French or Spanish origin. Their presence is reflected in the dominance of people affiliated to the Catholic Church in this area. Dale Ashworth came from an area in southwestern Louisiana that appears to lie just north of the "Catholic belt" and within the typically Southern Baptist sphere. Among those interviewed in and around DeQuincy, the only religious affiliations mentioned were Baptist and Pentacostal. This suggests that as far as his social circle is concerned Ashworth's home town lies outside the Catholic area in a more typically "Southern" part of Louisiana. In fact, a historian's remarks on this area suggests that in respect to violence it is likely to be quintessentially Southern: it was not settled until well after the Civil War, and then by frontiersmen and East Texans. Informants suggest that even within southwest Louisiana DeQuincy has long been a particularly rough community in which alcohol and fights are the order of the day.

Dale Ashworth's ancestors had for generations lived in this area or just across the border in Texas. All his formative experiences have been in this milieu and he has spent most of his life here. It would be surprising if his education had not enculturated him into the Southern subculture of violence. Aside from this general presumption, the evidence we have about the course of Mr. Ashworth's life, his behavior and personality, suggest that

he has learned what we would expect him to in this milieu. He has developed a reputation as a person who defends what he regards as his honor and that of friends regardless of the cost. Informants report that he engaged in fights generally to defend his honor or that of women around him. He would fight anyone who would cast a slur on his family, or would insult him directly or through coming on to his girl friends.He was also known to fight for those he felt had been unjustly ganged up on by others: it was a quick response to such a belief that led to the beating he mistakenly administered at a motel in Louisiana shortly before returning to Newark, Ohio. Informants thought that in addition to these causes, Ashworth fought out of a desire to obtain or keep the esteem of his friends - who unfortunately seem to have exploited for their own amusement his tendency to violence while drunk.

Defending his personal and family honor, Dale Ashworth immediatedly confessed to beating Daniel Baker and pleaded guilty to murder. Initially, he felt that he should reject a plea based on mitigating circumstances, evidently out of the feeling that this was the honorable road to take. Some informants suggest another reason was a feeling that this was yet another way he could prove himself as a man. More recently, he has opposed any defense of his actions if it requires that his defenders "trash his family".

In addition to training in the violent and "honorable" traditions of the South, Dale Ashworth has been trained in the local traditions of a particular local version of a Southern "culture of poverty". Over several generations, his family has been characterized by unstable marriages, with the resultant shifting about of children. Partly as a result, discipline has been uneven, varying from the affectionately permissive to the overly physical. Much of the social life of both sexes, particularly the young, has centered around bars. At least for those under thirty-five, this had led to a remarkably high consumption of alcohol with drunkenness on a daily basis. Many informants suggest that this is particularly true in DeQuincy because "there is nothing else to do"- which is in itself a self-justifying local cultural

tradition.

Situationally, Dale Ashworth was also the product of a particular life history, a life history that to some degree was a replaying of his biological parent's own histories. His biological mother and father had both felt abandoned psychologically and to some extent physically by their parents. These parents abandoned Dale a few weeks after birth, leaving him to grow up in a relative's home, an abandonment for which he never forgave them. This experience seems to have been behind his continual search for security in the love and respect of older women and men, and in a tendency to regard any slight as a betrayal.

On the night of September 10, 1996, Dale Ashworth had been drinking heavily, partly as the result of a feeling that he had been betrayed by his wife, by his girl friend who had just left him, by the male friends he had looked up to (who had taken his girl and seemed to have turned against him), and by his adoptive mother who refused to send the money he desperately wanted to return to DeQuincy. In this state, a new person, Daniel Baker, unknown to others in the bar, entered and Dale began drinking with him. After drinking together for some time, they went out to another bar. Whatever the chronology of the next few hours, the issue of Baker's homosexuality came up. Whether or not he "made a pass" at Dale, at some point in the evening Dale realized that others in the bar thought Baker was a homosexual, and that they would wonder why Dale had been spending so much time with him. In his mind, Dale evidently felt that if he did not do something to prove that he was not "one of them", he would forever be cast out of the only society he knew. Informants in DeQuincy tell us that they would understand killing a homosexual that came onto them, and that giving such a person a good beating would be an appropriate response - even if the homosexual had done nothing. In any event, in Dale's mind, violent action was called for. To the reader, little about the attitudes suggested here is appealing, but if the picture is roughly correct, they do help to explain the tragedy.

In conclusion, Dale Ashworth's education produced an insecure, young man who knew no other way to have a social life than in the context of the use of alcohol (or marijuana). Enculturated into the Southern culture of violence and dependent on alcohol, he often got into situations in which he felt he could prove himself only through violent attacks on those who he felt had "done wrong" to himself or others, or who had dishonored him personally. Consonant with a Southern tradition with roots going back to the seventeenth century, once begun, an attack on another person could "legitimately" be unremitting and unrestrained, even if it ended with the permanent maiming or death of the one attacked. This was most likely to be the case if the attacker's mind was clouded and his inhibitions severely weakened by alcohol. In this condition and with this background, we could expect him to strike out viciously without considering the consequences for either himself or the one attacked.

References and Selected Sources

H. C. Brearley, *Homicide in the United States*, 1932.

Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence*, Knopf, 1995.

David H. Fischer, *Albion's Seed: Four British Folkways in America*, Oxford University Press, 1989.

R. D. Gastil, *Cultural Regions of the United States*, University of Washington Press, 1975.

R. D. Gastil, "The Determinants of Human Behavior", *American Anthropologist*, 1961.

R. D. Gastil, "A General Framework for Social Science", *Policy Sciences*, 1972.

R. D. Gastil, "Homicide and a Regional Culture of Violence", *American Sociological Review*, June, 1971.

R. D. Gastil, "Lower Class Behavior: Cultural and Biosocial", *Human Organization*, 1973.

Sheldon Hackney, "Southern Violence" in *Violence in America: Historical and Comparative Perspectives*, H. D. Graham and T. Robert Gurr, editors, 1969.

Douglas Johnson, Paul Picard, and Bernard Quinn, *Churches and Church Membership in the United States*, 1974.

Henry Lundsgaarde, *Murder in Space City: A Cultural Analysis of Houston Homicide Patterns*, 1977.

H. V. Redfield, *Homicide, North and South*, 1880.

John Shelton Reed, *The Enduring South: Subcultural Persistence in Mass Society*, 1972.

Julian Roebuck and Mark Hickson, *The Southern Redneck*, New York, Praeger Publishers, 1982.

Statistical Abstract of the United States, 1997, especially pages35, 202, 204.

Betram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South*, 1982.

For additional discussion and sources, see the author's introduction to the section on "Violence" in the *Encyclopedia of Southern Culture,* 1989 and other sources above. In addition to these sources, the foregoing is based on interview and other materials gathered by the Ohio Public Defender's Office.